

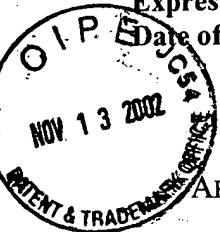
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Attorney Docket No. 21402-290C (CURA 590C)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Padigaru, *et al.*  
ASSIGNEE: CURAGEN CORP.  
SERIAL NUMBER: 10/092,900 EXAMINER: Not Yet Assigned  
FILING DATE: March 7, 2002 ART UNIT: 1645  
FOR: NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Commissioner for Patents  
Washington, DC 20231

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Response to Notice To Request For Corrected Filing Receipt (1 pg.);
2. Copy of Response To Request For Corrected Filing Receipt mailed October 28, 2002 (2 pgs.);
3. Preliminary Amendment (5 pgs.);
4. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 617-542-6000, Boston, Massachusetts. A duplicate copy of this transmittal letter is enclosed.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No.21402-290 (Cura 590C).

Respectfully submitted,

*Eric Sinn*

Ivor R. Elrifi, Reg. No. 39,529

Eric Sinn, Reg. No. 40,177

Attorney/Agent for Applicants

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Date: November 13, 2002

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EU 282820756 US



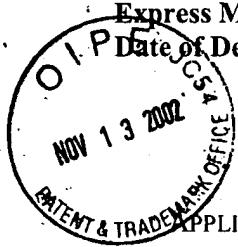
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**RESPONSE TO NOTICE TO RESPONSE TO REQUEST FOR  
CORRECTED FILING RECEIPT**

In response to the Notice To Request For Corrected Filing Receipt mailed October 28, 2002, Applicants submit herein a Preliminary Amendment amending the first sentence of the specification.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21402-290C (CURA 590C).

Respectfully submitted,

Ivor R. Elrfi, Reg. No. 39,529  
Eric Sinn, Reg. No. 40,177  
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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/892,500	03/07/2002	Muralidhara Padigaru	21402-290C (Cura-590C)

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, MA 02111

Done By /1128

<input type="checkbox"/> Data Entry
<input type="checkbox"/> Docket Entry
<input type="checkbox"/> Docket Cross Off
<input type="checkbox"/> Previously Entered
<input type="checkbox"/> No Docketing Req.
<input type="checkbox"/> ELITE
<input type="checkbox"/> Annuities

CONFIRMATION NO. 1049



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Date Mailed: 10/28/2002

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MINTZ LEVIN NEW YORK  
NY DOCKET DEPT **RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Domestic Continuity and Foreign Priority**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application.
- A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order:  
Country, Application number, Filing date.
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

*Abayye W. Legene*

Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202